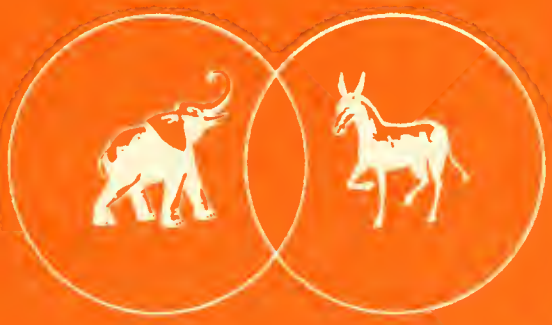
Connecticut's Challenge Primary: A Study in Legislative Politics

by Duane Lockard



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Henry Holt and Company

Case Studies in Practical Politics

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Biographical Sketch

Duane Lockard is Associate Professor of Government at Connecticut College in New London, Connecticut. Long active in Democratic party affairs in New London, he served as a member of the Connecticut State Senate, 1955-1957, and was chairman of the Senate Elections Committee to which the primary bill was referred.

Library of Congress Catalog Card Number: 59-13070
25297-0119
Printed in the United States of America

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INTRODUCTION

The idea of the party primary election was highly attractive early in this century. Advocates of good government saw in it a "solution" to many problems of democracy. In the one-party states it was backed by frustrated voters who felt they had lost all opportunity to influence the choice of public officials when effective competition between the parties disappeared. Elsewhere, antagonism toward parties, encouraged by muckrakers, helped promote the primary as a stick to beat the bosses with. As the decades went by, the list of states with primaries in some form or other grew longer and longer. Textbook writers soon found the easiest way to handle description of primaries was to mention the states without them—and in time this list narrowed to two states: Rhode Island and Connecticut. Desertion by Rhode Island in 1948 left Connecticut alone to mar otherwise tidy generalizations about the universality of the primary.

Why such protracted and successful resistance? Connecticut is not immune to political innovation. Although it may be known as "The Land of Steady Habits," it has nonetheless adopted an imposing array of progressive legislation, particularly in matters of labor law and social welfare. Still, matters of party concern are different—at least in Connecticut. For Connecticut parties are different from those of most other states; they are strong, centralized, and highly competitive with each other. The character of Connecticut party leadership—the power it has and the generally responsible manner in which it uses its power—constitutes the main reason why advocates of the primary made so little progress in Connecticut.

J. Henry Roraback, boss of the Republican party from 1912 to 1937, simply brushed the primary aside as an interference with his control of the party. He opposed it for the same reason supporters urged the reform: it would mean sharing power with voters and other leaders. The nominating process, then centered in the small-town caucuses and the various conventions, was the instrument of his domination. Through the town caucuses, Roraback directed state and district conventions. His control over nominations enabled him to dictate decisions by the governor and the legislature. Why should he want a primary?

But what about the Democrats—once they had come to share power with Roraback, as they did after the election of 1930? Should they not have sought the primary as a weapon against their rivals? Certain "cooperative" Democrats, who considered Roraback a source of patronage rather than an enemy, agreed with him on the primary, but so did most other Democratic leaders. They did not want a primary any more than Roraback did, and for exactly the same reason. True, there were occasional half-hearted references to primaries in Democratic state platforms, but these were mere window-dressing, and no one seemed surprised when nothing came of them.

Through the years, a handful of faithful idealists agitated for the primary. In about a half-dozen towns (out of 169 cities and towns) advocates managed to get local primaries adopted either by special act of the General Assembly or by local party rules. In the growing suburban centers especially, there was a demand for primaries, probably as a consequence of the influx of migrants from states with primaries. Regularly the advocates implored the parties to put the primary in their platforms; legislators were cajoled into offering primary bills, and Democratic Senates twice adopted inadequate ones.

INTEREST QUICKENS

Suddenly, during the General Assembly's five-month biennial session of 1953, a primary law became a serious political issue.* This session, following the Eisenhower sweep of 1952, had Republican majorities in both state houses, which ruled out the game of tossing the hot potato back and forth between the houses until the end of the session. (Connecticut's Constitution calls for mandatory adjournment at midnight of the first Wednesday in June.) The Republican leaders, with the cooperation of the Democrats, resorted to buck-passing—they sent the bill to the Legislative Council. The Council is a committee of legislators established to analyze problems between sessions and to recommend action. The Council operates for the most part in decent obscurity, so there was no widespread interest evoked either by the hearings it held on primary legislation in 1953-1954 or by the drafting of primary bills by a subcommittee of the Council.

At the party conventions in 1954, advocates of the primary made customary pleas for reference to primaries in the party platforms. Margaret Driscoll, a lobbyist for the CIO, later reported that she and the

* A chronology of events appears on page 16.

late Joseph Downs, both ardent supporters of primaries, served on the Resolutions Committee of that year's Democratic convention. They decided to delete all mention of primaries because they felt it was a fraud to support primaries in party platforms only. But a very tight gubernatorial race was anticipated, and in the judgment of party leaders, no proposal of interest to a sizeable minority of voters could be overlooked. When John Bailey, Democratic State Chairman, heard of the decision about primaries, Mrs. Driscoll related, he insisted on the inclusion of a primary plank. Thus, the Democrats again endorsed the idea of a primary:

> We would initiate a law designed to require direct primaries, which would guarantee every elector registered with a party full opportunity to take part in party nominations and decisions, including the election of party committees.

The Republicans for the first time inserted such a plank in their platform. The incumbent governor, John D. Lodge, had control over the party machinery at that point; and presumably not only because he was stirred up about a matter of bossism within his party but also because he was a man of moderately liberal outlook, he helped push the primary pledge into his party's platform:

> In order to encourage greater participation in selection of party candidates, we favor the adoption of legislation establishing a primary election system.

In the course of the campaign both Lodge and Abraham Ribicoff, the Democratic candidate for governor, obligingly admitted they favored primaries, although both did so in somewhat ambiguous terms.

As frequently happens in Connecticut, the election produced a Democratic governor and a General Assembly composed of a Democratic Senate and a Republican House of Representatives. Newspaper reporters and other cynics nodded their heads sagely—again the primary would be lost in a bean-bag game between the two houses.

CONNECTICUT'S LEGISLATIVE-POLITICAL PROCESS

Members of the Connecticut General Assembly are under the discipline of their respective party leaders. The state chairmen of both major parties are constantly in attendance at the State House during the five-month legislative session. They commonly attend the caucuses of their respective parties. They provide liaison between the governor and the legislature. The party members in both houses meet frequently in caucus (almost daily in the Senate) where all issues of importance are discussed fully. Once a decision to support or reject a bill has been made in caucus, only very rarely will a member desert his party and vote with the opposition. In one recent session no Democratic senator voted other than as his party colleagues did on any bill brought to a roll-call vote. While they have not struck that particular note of regularity, the Republicans are also cohesive and disciplined in both houses.

The chief reasons for the high degree of party unity and cohesion lie in the internal similarities of the parties (each has its distinctive cultural and ideological core) and in their differences from each other. There are deviant Connecticut Democrats who are not generally urban-labor-liberal in orientation, and there are Republicans who are not rural-suburban-moderate-to-conservative in orientation. But the degree of internal likeness is so high that Connecticut parties constitute a remarkable contrast to the U. S. Congress, where there are many Republicans more liberal than many Democrats and vice versa. Although legislators may boast of their independence and their unwillingness to be ruled by "the bosses," in Connecticut most of them go along docilely with their respective party leadership. They tend to do what others do.

The expectations of those who have dealings in the legislature have become adjusted to the dominant role of the parties. Interest-group leaders rarely seek to win over majorities from among the legislators at large; rather they concentrate on the party leadership.

THE 1955 SESSION BEGINS

The 1955 session opened on January 5 with the usual fanfare and a modest, smooth, largely noncommittal opening address by the new governor, Abraham Ribicoff. Ribicoff did not refer to the primary law which the Democratic platform had promised. Indeed, in the early weeks of the session, there was not a great deal of attention given to the subject by anyone. Far more pressing matters absorbed the time and attention of legislators. Committee assignments were being made, administration bills were being formulated and presented, and committees were being organized and hearing schedules arranged. For about half of the membership, who had never been in the legislature before, the first month was baffling because of the new language and the unfamiliar routines.

Scattered among the bills introduced (2988 of them by January 28 and some 450 later in the session) were numerous causes of potential disputes—taxes, mental health programs, highway appropriations, a bonus for Korean War veterans, labor bills, constitutional amendments. In the Senate, each Democrat was on five to eight committees. In the House, Republicans were on two or three committees; House Democrats were, with few exceptions, on but one committee each. I was chairman of the Elections Committee of the Senate, chairman of the Constitutional Amendments Committee, and a member of the following committees: Aviation, Education, Judiciary, Labor, and Public

Buildings and Grounds. Often two or even three of these committees would be meeting simultaneously. The Education and the Judiciary Committees were two of the busiest committees in the legislature. In practice, it was impossible to give them the time they deserved. Time to read and think about public questions was hard to find.

Most members, of necessity, were engaged in their usual professions and callings. The annual salary in 1955 was $300. (One of the signal achievements of the 1955 session was its initiation of a constitutional amendment deleting this limitation on legislative salaries. The amendment became part of the constitution with its approval in a referendum in 1958.) Consequently, most of the members commuted to Hartford for sessions, driving as much as 150 miles a day.

In short, neither the primary nor any other single piece of legislation could take more than a fraction of the time of any member. The concentrated attention given a single bill in this study tends considerably to simplify reality. Local legislation (for the member's particular town), patronage squabbles, and the constant effort to resolve minor problems of constituents —these alone could have consumed all of a member's time if he permitted them to do so. Actually few did; Connecticut, like most states, gets far more than it is willing to pay for in dedicated service from those who go to the legislature. The demands on the time of legislators are inordinately great. If lawmakers miss committee meetings or appear not fully to comprehend the complexities of a bill, such lacks are understandable. Nothing stands still for leisurely analysis—the issues, the political context, and the personalities are all constantly changing.

Hidden in the deluge of bills and resolutions were six different bills proposing primaries. Two were duplicates, identical copies of bills, one presented by a Republican senator vigorously opposed to primaries, the other by a Republican House member no more than lukewarm to the idea. Both bills were tossed into the hopper at the request of party leaders who in turn had been asked to present them by Vivien Kellems, an industrialist who had made a career of being a political firebrand. Two other primary bills came from the Legislative Council, drafted by the staff of the Council and the subcommittee to which the subject had been delegated. The chairman of that subcommittee was also House chairman of the Judiciary Committee, and he signed his name to the bills. Partly on the basis of his name, the bills were assigned not to the Elections Committee, as one might logically expect, but to the Judiciary Committee, which traditionally receives all substantive and significant matters that do not *have* to go to some other committee. (The Clerk of the House, reasoning from the sponsorship of the chairman of the House Judiciary Committee that he was vitally concerned with this bill, suggested to the Speaker that it be sent to the Judiciary Committee. The Speaker accepted this suggestion.) Later, on the request of the Elections Committee, the bills were transferred to it. A fifth bill was presented by Jack Stock, a young Democratic senator from the city of Bridgeport. The bill was his own and expressed his genuine desire for primaries even though, as he fully recognized, it did not contain the detail necessary for workable legislation. Finally, a House member from Norwalk had introduced a bill "by request." The label was read by other members to mean roughly, "This is a bill I submitted because somebody asked me to; I didn't want to say no; they've got a right to a hearing; but don't think I want it to pass. File and forget."

THE JOINT COMMITTEE ON ELECTIONS

Connecticut happily has a joint committee system, rather than the awkward and time-wasting double committee system of some American bicameral legislatures. Both houses have members on committees, business is conducted cooperatively, and hearings are held jointly. In case of disagreement on a bill, the committees split into their component parts and report separately to their respective houses. If, as is more common, the committee as a whole agrees, there is a joint report. The bill is then returned to the house in which it originated. If it passes, it is sent to the other house and placed directly on the calendar for action rather than being returned to committee.

The Joint Committee on Elections was composed of six senators and fourteen representatives. This composition automatically gave the Republicans a large majority on the committee, but of course did not ensure passage of legislation through the Democratically controlled Senate.

Of the four Democratic senators on the committee, two attended hearings or committee executive sessions infrequently. Senator Jack Stock, a lawyer, was the most important Democratic member of the committee. He had had previous legislative experience (in the 1953 session), and was a zealot for the primary law. He served as liaison between the committee and a special group, to be discussed below, that formed outside the legislature to promote the primary law. As a member of this group he guided its work and kept the committee informed of it.

The two Republican senators on the committee contributed relatively little to the struggle for a primary. One supported the bill in early stages, but later cast a negative vote in a crucial test. His party colleague was occupied with other matters, particularly work as chairman of a subcommittee revising the absentee ballot laws. Indeed, there was no one meeting at which the whole membership of the committee was present.

The House side of the committee was, as it happened, the women's side also. Of the fourteen House

members, half were women. Most of them supported the primary, although some were more determined about it than others. Five female Republican legislators—Mrs. Marie Moore (North Branford), Mrs. Elizabeth Budd (Wethersfield), Mrs. Diane Toulson (Milford), Mrs. Barbara Tippin (Essex), and Mrs. Harriet Pitt (Woodstock)—came to virtually every meeting of the committee and were staunch advocates of the primary; they differed on forms, perhaps, but of the principle they were all supporters. The most important House member, Mrs. Olive Schmeltz (R-Norfolk), was apparently never quite certain how she felt about primaries, and she maintained an equivocal attitude to the end. In spite of this, she contributed much to the work for the bill, especially late in the session. Her particular importance, however, came from the fact that she was House chairman of the committee. Protocol requires that the Senate chairman preside over the committee when he is present; in practice, Senate committee chairmen usually share that responsibility with House committee chairmen.

Mrs. Schmeltz came to her chairmanship by the route most House members follow. With such a large House (279 members) and with a top-heavy Republican majority, it required several terms of non-inflammatory service to attain a chairmanship. In Mrs. Schmeltz's case it had taken five terms. For more than a decade she had been deeply involved in the politics of Norfolk, a Republican town of about 1500. Registrar of voters for fifteen years, Republican town chairman in 1955, as well as one of the town's two representatives, she was a key figure in local politics. During the session she was in constant touch with the state leaders of the Republican party. Finally, ten years of legislative service enhanced her capacity for legislative maneuver.

Late in January the committee met; the members got acquainted, and mutually satisfactory arrangements were worked out for handling committee business. A schedule was set for public hearings on the 71 bills referred to the Committee.* Hearings on the bills on the primary were scheduled for March 10, with no others on the docket for that day.

PUBLIC HEARINGS ON PRIMARY BILLS

Shortly after the Senate recessed on March 10, the Elections Committee began to assemble in the Senate Chamber—the "circle," as it is called among the members because of the arrangement of seats before the President's rostrum. This ample chamber was set aside for the hearing since a considerable number of spectators and voluntary witnesses was expected. In the course of the afternoon twenty-three people testified—all in favor of primaries—although several were vague about the form of primary they preferred. Nine of the witnesses were legislators. The CIO lobbyist, Mrs. Margaret Driscoll, a representative of the League of Women Voters, a spokesman for the Communist party of Connecticut, and a lady representing the ultraconservative Minute Women of Connecticut appeared to indicate their approval of primaries.

The longest and most useful testimony was a discourse by William H. Gordon, Jr., on the problems of drafting a primary statute. He had represented the Democratic party in several law suits and worked for six years in the office of the Secretary of State, specializing in election law administration. He was an avid believer in the virtues of a party primary. His zeal was such that he spent incredible time and energy working for the bill. Indeed some friends feel that he gave more than time and skill to the battle; though only in his forties, he died of a heart attack some months after the events described here.

At the close of the hearings, the committee members wondered how to interpret the fact that the leaders of both parties had stayed away. Jack Stock took the floor to quote the Democratic platform statement on primaries. This had John Bailey's express approval. The fact remained, however, that no prominent Democrat had appeared. Norman Parsells (R-Fairfield), majority leader in the House, was the only leader of either party who did appear. Parsells had not been very specific in his remarks, but he had been briefed by Bill Gordon and made an important suggestion "I have read the bills before your Committee today," he said, "and it seems there are flaws in all of them. I'm not going to support any particular bill, but I do support the principle. I would suggest that your committee appoint a subcommittee that would work out a fairly simple direct primary bill."

His suggestion was followed by the committee, which formed a subcommittee consisting of the co-chairmen (Mrs. Schmeltz and myself), Senator Stock, Mrs. Toulson, and Thomas Luce (R), a retired businessman serving as representative from the little town of Sharon. It was hoped that both parties would follow the proposal Bill Gordon had made at the hearing: "I think the committee should ask each party to assign an attorney to be of whatever assistance the committee desires." It was his hope, as he had privately told several members of the committee, that he might personally be assigned as the Democratic party's attorney. He was not appointed, however; nor was any one else. Evidence that the leadership was not going to cooperate in developing a primary law first definitely appeared here. There were some discussions between John Bailey and committee members about appointing Gordon to help the committee. Bailey was noncommittal, but a few days later, Gordon called me at 8:00 A.M., before I left for Hartford

* According to rule, a public hearing is required for all bills, and except for those introduced by committees late in the session, all bills are in fact given hearings.

for the day's session. "Sorry to call you so early," he said, "but I wanted to get word to you about a new development on the primary. Bailey says I can't serve your Committee on drafting the primary bill. I think John's decided he wants to beat the bill, and he's going to do it by trying to get an unworkable bill out on the floor. It sure looks as though I am out of the picture officially."

Neither party ever appointed an attorney to assist the committee. Yet Gordon worked with the committee continuously. His relations with Bailey cooled, although he was not denied appointment to a municipal judgship in his home town, an appointment that Bailey presumably could have blocked. Still, the refusal of both parties to appoint aides to work with the committee was the tip-off, if one were needed: there was going to be a real battle on the primary.

STRATEGY AND MANEUVERABILITY

On March 24 the subcommittee met in executive session to discuss further action on a primary law. At this stage the Republican members of the subcommittee took the position that only legislation providing for an indirect primary could pass. That is, they wanted a bill that would apply to the election of delegates to conventions but would not apply to the direct nomination of candidates. Senator Stock was inclined to accept such a compromise at this session, regarding it as a first step in the direction of primaries. He had campaigned hard on the issue of primaries and would rather have taken this than nothing. Stock's position put the Democratic members of the subcommittee in rather awkward conflict, since I felt the indirect primary not worth the effort necessary to get it passed. I insisted on a more inclusive law.

The Republican House members on the subcommittee contended that the House would accept no more than an indirect primary. They explained that the membership of the House was overwhelmingly from small towns and that a bill failing to take into account their particular problems would never pass. Small-town people, it was argued, were not interested in gubernatorial and other state-wide candidates, but in local personalities. Small-town Republicans feared that direct nomination would tend to smother the influence of the small towns, since the cities would have great numbers of voters.

This was but the first occasion on which committee members confidently said that particular provisions would have to be omitted from the bill because the House or the Senate would never accept them. Such arguments sprang in part from a genuine effort to guess at the prospects for the bill in terms of a personal conception of the probable attitudes of the membership. Partly also, they were rationalizations: What I think about this bill is what the others think, and therefore what I think is what we must do if we want to succeed. At times, confident reporting on the attitudes of others was nothing but a sham. One could never be certain of the motives behind a fellow legislator's arguments against primary bill provisions; certainly the genuine and the sham were not mutually exclusive; they could combine nicely and, one suspected, often did.

As Mrs. Schmeltz, who presented the demand for an indirect primary, had referred to her discussions with the Republican party leaders, it was reasonable to assume such a law was the only concession the leaders were ready to make. Democrats on the subcommittee were not in close touch with their party leaders. The leaders did not invite close liaison and the subcommittee Democrats, who favored a primary law, thought they would have a better chance of working out a bill to their own satisfaction if they did not boast of progress. Perhaps the Democratic leaders did not press the point because they hoped to scuttle the bill in any event; the less committed they were to any particular version of the bill the better, and accordingly the less said the less opportunity to be committed.

The grand strategy of the opponents of the primary law soon emerged. They hoped the House would pass a bill providing for indirect primaries while the Senate voted for direct primaries, or the House choose primaries at the local level and the Senate at the state-wide level. Then neither side would give in to the other. No party-controlling legislation would result, but each side could go to the public and say, "Well, we passed a good primary law, but the others were stubborn and wouldn't accept our fine idea."

This result could best be achieved by having the Elections Committee fail to give a joint favorable report to *any* version of the primary. If the committee divided, the split would give maximum maneuverability to the opponents, for when one house had passed a version of the bill, the other could dispatch the bill to its committee for deliberation until late in the session. Jack Stock was doing his best to prevent this by tentatively agreeing to the indirect convention—delegates-only version—proposed by the House members, but I was, without meaning to do so, furthering the opposition stratagem by refusing to accept an indirect primary.

Within a short time it became apparent that the House committee members were ready to go further than the first meeting had indicated. They came to the next subcommittee meeting prepared to accept direct local primaries at least for the larger towns and cities. But the Democratic members insisted that even this was too limited, that state-wide primaries for offices that are visible to the public—governors and United States Senators, for example—would do more to elicit public interest and participation than would local personality conflicts. Here the subcommittee stuck,

seemingly immovable. A note in my card file of observations on the session read: "Prediction: we'll never get together on *one* primary bill. The House will pass local primaries; and we'll [the Senate] pass a statewide one. There it will all end."

An opportunity for such disagreement had intentionally or unintentionally been provided by the original double proposal made by the Legislative Council. House Bill 82 proposed that candidates for state-wide and district offices (for example, United States representatives or state senators) be endorsed in a convention, but that primaries could be held upon submission of petitions for candidates opposed to those the convention endorsed. This bill also provided for direct primaries for candidates for all offices in towns over 25,000 population. Smaller communities would retain the old-fashioned caucus unless they altered their party rules to come under the same rules as the cities. The scheme was well designed to get support in the House, where it would exempt from its provisions the towns of about three-fourths of the members, while saddling the urban Democrats with its burdens.

The other Legislative Council proposal, House Bill 83, called for primaries for municipal officers and state representatives and senators in *all* towns and for delegates to conventions where nominations to state-wide and district offices would be made. This bill, at least as opposed to House Bill 82, might well have been considered more acceptable to the Senate.

THE "CITIZENS" GET INVOLVED

While the subcommittee worked on amending the bills presented by the Legislative Council, still without definite agreement on what should be reported out, several supporters of primaries outside the legislature were becoming restive at the delay and indecision. They considered it all too likely that the two houses would be given different versions, with expected negative results, or that any bill jointly worked out would have gaping loopholes. The two organizations most interested were the League of Women Voters and the CIO. Representatives of these two organizations talked to committee members and to Bill Gordon and others, and decided that something needed to be done.

In late April, representatives of the League and the CIO met in Hartford with several interested individuals for a strategy session. Among those at the meeting were Jack Stock, several other legislators, Bill Gordon, Mrs. Pauline Tyler, a former legislator, and John Lupton. Lupton is a Republican from Fairfield County, near New York City. He had political ambitions, but he did not expect to see the organization take any cognizance of them. Unquestionably he was for the primary because he thought it was right, but probably he also thought of it as a means of helping along his own political career. At the meeting it was decided to organize as the "Citizens for a Direct Primary" in order to provide staff work and outside support for an inclusive primary. The manifold responsibilities of legislators, the diverse political pressures and tactical maneuvers, and the extremely limited staff made it appear unlikely that the committee would draft a satisfactory bill at this session. Bill Gordon volunteered to devote even more time to the committee's work, and it was decided that a vigorous effort would be made to create a bill that would have a good chance of obtaining the approval of the committee and would also do the job.

Unexpectedly, this was the first and *only* meeting of the Citizens. The organizations and individuals represented cooperated throughout the session, but without formal meetings. The name was kept, however. It had a formidable sound even though it really represented nothing concrete.

At the next executive session of the subcommittee, Jack Stock reported on the activities of the Citizens group. His comments were received not with hosannahs, but hostility. Mrs. Schmeltz, in particular, was indignant that any legislator would attend such a meeting and then attempt to have a committee adopt the ideas of the private group. Others defended Senator Stock, maintaining that a citizens' group had as much right to negotiate and plan for such legislation as had the party leaders. The defense only made matters worse. The efforts of the Citizens to cooperate with the committee had gotten off to a bad start.

But Bill Gordon's diplomacy and tact as well as his knowledge resulted in greater success for the Citizens than their beginning effort foreshadowed. In time Gordon was accepted by virtually all members of the committee as an aboveboard and well-intentioned aide. He worked with Amalia Toro, attorney for the Election Division of the Secretary of State's office, and with Nicholas Spellman, Research Director of the Legislative Council, in revising the bill according to the suggestions of the committee members. Led by Gordon, these experienced civil servants worked tirelessly on various versions of the bill.

The technicalities of a 60-page primary law are enormous; each part of it is interrelated with other parts. The dates for filing of petitions, holding of primaries, and conventions all must dovetail. Time must be allotted for checking the validity of petitions, for setting up names on a voting machine, and for dozens of other mechanical details. Change a single date and suddenly a dozen or more other changes are necessary. Also, such legislation has to be considered in the context of similar laws—does a particular provision affect a local law in some particular town in a way not contemplated by the draftsmen? With the appropriate staff assistance, legislators may have the benefit of comparative research on the laws of other states, build on their experience, and avoid their errors. Without experienced assistance, they are likely to pass quite unintended laws.

All the staff in the world cannot wipe out political

conflict, however. Thus, by mid-May, notwithstanding all efforts of the Citizens to prevent it, there still were two versions of the primary before the committee. On May 16 twelve members of the full committee and the chairman met and debated the primary for hours. An exploratory vote revealed that six members were for a local bill, three for a state bill, and three for a bill that combined both local and state provisions. Senator Stock then moved that the Committee report favorably *both* a local bill (H.B. 83 as amended) *and* a state-wide bill (a revision of H.B. 82). The strategy was to report both bills to the House and let the House choose between them. The vote was seven to six against the motion. As tempers mounted and voices took on an edge, another vote was taken; this one presented two choices: to bring out a local bill only or to report both bills. The vote was six to six, the chairman abstaining. I explained refusal to break the tie by saying that to leave the committee thus divided would serve the purposes of the opponents of the primary since opposing committee members could do real damage when the bill came up for debate either in caucus or on the floor. Another meeting was set for May 21 when it was hoped that a compromise might be reached.

COMPROMISE

The impasse in the committee was broken by a lengthy Republican House caucus which was said to have become rather acrimonious, but which nevertheless ended with a heavy vote in favor of a primary bill. Surprisingly, the primary approved was not the one for which support had apparently been growing in Republican ranks—a primary on the local level; rather, the caucus approved a direct primary for state-wide officers.

The bill approved by the caucus provided what had come to be called a "challenge primary." That is, the party organization through the convention endorsed a candidate for the nomination, and if no one challenged that endorsement by gathering petition signatures and depositing a filing fee, the endorsee was also the nominee. Only if there were a challenger would a primary be held. This form of primary law had emerged from discussions by committee members. Some of them, Jack Stock, for example, preferred a straightforward primary without party endorsement. Others wanted to retain the party organization's role in the nomination process but to limit it somewhat. Among the models used in drafting the bill were the various preprimary convention systems and the National Municipal League's Model Primary Act, but the final version of the bill resembled none of these very closely. By improving, compromising, and many-sided bargaining, a really new kind of primary had appeared.

At the May 21 session of the committee, the Senate Democrats accepted the suggestion of the House Republicans and approved a bill that would provide state-wide primaries only. This seemed a reasonable alternative, one that would get primaries off to a good start because it would involve contests for officials that the people knew and cared about. Accordingly, Bill Gordon, with the help of committee members and the staff of the Secretary of State's office, reviewed and revised the bill providing for state-wide primaries to ready it for submission to the House as a new "committee bill." It was reported to the House on May 27.

There was no real doubt about what would happen when the bill was put to a vote: it would pass easily, having been endorsed in caucus. But how had the caucus vote been achieved? Some said the votes in caucus resulted from two opposed motives. First, the state-wide primary was the one form the Democratic Senate was least likely to accept, thus, if any version was to be passed by the House, this one was preferable because it was safe. On the other hand, the state-wide form gave the liberal Lodge-Alcorn faction of the Republican party a tool with which to defeat the Brennan-Zeller element (more or less Taft-oriented) in the next state election.

REPUBLICAN LEADERSHIP DIVIDED

The desire to find a way to beat the conservative Brennan-Zeller wing of the party was certainly a most important factor. Indeed, it is likely that without this motivating impulse the primary bill would never have gotten through in any form. When the argument in caucus and in the hallways turned to factional defense and offense, the character of the primary somehow took on a new aspect. The Lodge-Alcorn element was apprehensive about the organizational power of William Brennan, a long-time Republican boss of Fairfield County. Brennan, who had encouraged and aided John Lodge when the latter first ventured into Connecticut politics, had subsequently become *persona non grata* to the governor. At the governor's demand, Brennan lost his post as national committeeman; Brennan, in return, had helped defeat Lodge in the 1954 election by doing absolutely nothing to help get out the Republican vote in Fairfield County. In short, a factional war was in progress, and it seemed to the liberal element that their strength would be greater among the mass of the Republican voters than among organization men who might join Brennan, an old pro who knew how to maneuver in a convention or in the legislature.

One of the men who had decided that the primary was important and ought to be supported was Meade Alcorn, then leader of the Hartford County Republicans and later Republican National Chairman. Alcorn, during the last weeks of the session, was in constant attendance at the capitol; and he brought Clarence "Cappy" Baldwin (Republican State Chairman) and others around to his way of thinking. Lieutenant

Governor Charles Jewett, a friend and admirer of Lodge and a sincere believer in primaries, backed Alcorn and helped drum up support for the primary in the Senate. In the Senate, Jewett had the aid of Ben Barringer (R-New Milford), Newman Marsilius (R-Trumbull, who had long been preaching sermons on the merits of primaries), and Platt Creed (R-Danbury).

There was Republican opposition, however. Brennan objected to the bill since he saw it as something aimed at him. He did not express opposition publicly, but behind the scenes he became master strategist of antiprimary Republicans. He had support on the Elections Committee among some Fairfield County Republican representatives; and among the senators, Stephen Sweeney (R-Naugatuck), in particular, cooperated with him. But the man who was most important to Brennan as coconspirator was not a Republican but a Democrat—John Bailey, Democratic State Chairman.

DEMOCRATIC LEADERS OPPOSE

Bailey uncompromisingly opposed primaries, and he was ready to use all his wiles and pressure to defeat the bill. He did not want it to appear that he opposed the primary, and he certainly wanted to avoid the appearance that the Senate had defeated the bill. Short of these reservations, almost anything was in order to stop the primary.

Both Bailey and Ribicoff were disturbed by the fact that Tom Dodd, then congressman from the First District, had sent each Democratic senator a letter urging support for the primary. He had done this without consulting the leaders, in response to a request for aid that Bill Gordon had sent each member of the Connecticut congressional delegation. Dodd had said that if the House passed the state-wide bill and the Senate rejected it, "it might well provide a real question as to the sincerity of our platform pledges . . . the opponents of the direct primary system for Connecticut will very likely resort to the aged legislative device of amending the bill to death. . . ." He urged that amendments be rejected and the bill accepted. A good many people assumed the letter meant that Dodd was announcing he wanted a higher office and felt he had a better chance of getting it through the primary than through the organization. His letter was read on the floor of the House, and the press gave his remarks wide circulation.

When the bill came before the House, Governor Ribicoff was willing to come out in open opposition to it, calling it "blackmail." Ribicoff is phenomenally gifted as a politician; he takes positions only with the most careful forethought. The Governor said he had never seen a measure "so designed to promote political skulduggery and political blackmail." His objection referred to a provision that permitted the party to endorse candidates in a convention but also permitted others to run by petition in a primary if they were dissatisfied with the convention endorsements. ("They'll come in demanding nominations or else," moaned Bailey in private conversation.)

Ribicoff revealed more clearly his fundamental objection to the bill as he went on talking to reporters after making his comment about blackmail. He said, "That is a bad bill. It would force a candidate to run three times—at the convention, in a primary after the convention, and in the election. It would necessitate the expenditure of huge sums of money. It would tend to exhaust both the candidates and the parties."

The success of Ribicoff's and Bailey's efforts was apparent when House Bill 2098, the newly drawn committee substitute bill, came to a vote in the House. On a roll-call vote to recommit the bill, 84 of the 96 votes for recommittal were cast by Democrats, and on the vote to pass the bill, all 73 negative votes were cast by Democrats.

"IMPROVE IT TO DEATH": THE SHUTTLE SYSTEM

After the bill had passed the House and come up on the Senate calendar, the minor pressures that had been applied previously became major pressures. The hallways seemed jammed with party officials who pleaded with Senator Stock and me to hold the line and help scuttle the primary bill. Spaces not filled with opponents were occupied by proponents of the primary who badgered us to uphold the bill. As the heat began to rise, Senator Platt Creed, a Republican member of the Elections Committee, urged us, the two Democrats, to stand firm—to break with the party and save the bill over which all of us had labored so long.

The bill came to the floor of the Senate on June 6. Tempers got out of hand frequently as the twenty hot, weary, frustrated, Democratic senators sat in an anteroom to caucus on the bill. The strategy of the majority leader and the state chairman was to substitute another bill in place of House Bill 2098 and return it to the House.* As the Democrats were leaving the caucus before voting on the bill, Senator Stock was met by one of the Republican senators who favored the House bill. With long face and sorrowing voice, he said, "We're beat." Stock told him we were not—that two Democratic votes were switching, which would make it 18 to 18 and leave the deciding vote up to the lieutenant governor, Charles Jewett, who

* To illustrate briefly the ethics of legislative dispute, note this episode: I had accepted an invitation to give a junior college commencement address that evening and was torn between the obligation to my host and my duty to vote on the bill. The majority leader, Senator Joseph Longo, gave assurance that the matter would not be put to a vote before I returned, although he knew that the vote would be against him. The appointment was kept; I returned hours later and did in fact vote against the majority leader who had held the bill.

of course was heartily for the bill. "Nope, we've had it," was the reply; "Creed has switched." And so he had; he, who had admonished the Democrats to hold fast, had buckled. Why? No one is sure even now. But Jack Zaiman, writing in the *Hartford Courant* at the end of the session, said:

> The Danbury Traffic Court patronage reportedly got involved in some way in the primary fight in the Senate. Fairfield County leaders and Bailey worked out a deal on the Danbury Court that found William R. Jones . . . son-in-law of Fairfield County Sheriff Edward Platt, going in as judge, but with the GOP and the Democrats splitting the undercard jobs. [Normally all this patronage would have been for Democrats, of course, as were virtually all other minor court jobs in the state.] Three GOP senators voted against their party on the first Senate test on the primary bill. One of them was Senator Platt Creed of Danbury.

Creed's defection along with that of Senators Sweeney (R-Naugatuck) and Parodi (R-Deep River) sent the bill back to the House. Senator Longo (D-Norwich), the majority leader, moved to strike out sections 1 to 33 of the bill before the Senate (that is, the whole bill!) and substitute a new one. His substitute, which was passed speedily, provided for no state-wide primaries. Instead it established primaries for local offices in all towns and cities with over 5,000 population and primaries for delegates to all district and state conventions. This was not something that could be cooked up in a matter of minutes; it was one of the committee's earlier versions, applying to local officers only, that had been offered as an "amendment."

A NEW BILL

The House refused to accept the Senate version; both houses moved for a committee of conference. Neither I nor Senator Stock, who had had more to do with the primary than any other senator, was included on the conference committee, but this omission surprised no one. And in any event it made no difference, for the committee of conference was not really intended to iron out the vast differences between the two bills. What the House finally did was truly shocking to the Democratic party leaders. The lower chamber accepted the Senate's amendment in essence and integrated it into the House bill by drawing still another new bill. Gordon and Miss Toro, at the behest of Lieutenant Governor Jewett, Norman Parsells, and Mrs. Schmeltz, did most of the work of rewriting the bill. Typists worked throughout the night of June 6-7 putting together a clean version of the new bill. The bill did not apply, of course, to those offices for which there was no convention—for example, municipal officers who would be endorsed by town committees of the parties. It contained, as its predecessors had not, a further protection for the party organization—it permitted individual candidates to contest convention nominations through the challenge primary only if they had received at least 20 percent of the votes in the convention. This concession to the leadership was made in response to charges that a challenge primary would promote political blackmail, but it was not sufficient to secure support of the Democratic leadership. Bailey and Ribicoff had suggested 30 or even 35 percent as the minimum figure. This and other actions indicated that their concern lay not in the qualifications for primary contests, but in whether there should be primaries at all.

Mrs. Schmeltz introduced the revised bill and hurried it onto the House calendar on June 7. On the 8th at about 2:00 P.M. it passed the House, having withstood a Democratic motion to amend. A messenger, guarded by several members of the Elections Committee, delivered the bill to the Senate. (Bills have been known to get lost between the House and the Senate under such circumstances; they have been found the day after the session ends—in someone's coat pocket.)

Now the Democratic leadership had cause for embarrassment. They had managed to keep the bill from passing by tossing it back to the House with a new and "improved" content. But the House had unexpectedly accepted the "improved" version, insisting only that it include the essence of the original House bill—that is, state-wide primaries, which Democrats had all along supported. Senate Democrats had blundered grievously in hastily grabbing one of the committee versions of the bill, for they had chosen one that exempted the towns of less than 5,000 population. There are 169 towns and cities in the state and 102 of them, according to the 1950 census, have fewer than 5,000 inhabitants. On election day about 90 percent of these towns are found in the Republican column. Many of them have not gone Democratic since the Civil War. The bill selected by the leadership put the restraints of the primary on the Democratic cities but excused the Republican small towns. This would never do; Democrats could be saved only by the clock and the leaders set about arranging for temporal assistance.

END-OF-SESSION BEDLAM

As the evening wore on it became apparent that the General Assembly was proceeding to a disgraceful finale. As is customary when the two houses are controlled by opposite parties, there had been much bargaining back and forth between the two houses and between the two sets of party leaders. So much haggling and so much delaying to increase pressure instead of compromising made the docket impossibly long—obviously more bills remained to be dealt with than it was humanly possible to consider before mid-

night. Each senator and representative had *some* bills in which he was vitally interested—and he wanted to be sure that his cherished projects got approved and that some others did not. Lobbyists ran about the chamber like squirrels in a cage, except that these were infinitely noisier animals than any squirrels. They pleaded, they grabbed bills and shoved them at clerks and party leaders, and generally behaved disgracefully. Finally, to handle the mass of bills, Republican and Democratic leaders began conferring with each other for ten or fifteen minutes during a recess, then returning to pass the bills agreed upon in caucus. Then another batch would be approved by the leaders—and passed by the legislators by their numbers, without debate or discussion.

Many legislators who participated in this debacle now say they are ashamed they did not rise on the floor and halt proceedings in order to give rational consideration to all these bills. At the time, they did not have the courage to take sole responsibility for calling a special session to consider business not completed by midnight. Nearly all the members looked with distaste at the mess developing about them, but the remedy at hand was so drastic none dared use it.

FORTY-FIVE MINUTES TO MIDNIGHT

Into this bedlam at 11:15 P.M., with just 45 minutes of the session remaining, came the primary bill. When the bill number was called, the noise abated slightly as spectators and participants alike strained to see what would happen. Attention was again focused on the Senate chairman and Senator Stock, the only likely Democratic defectors. Those who had been in the wretchedly hot caucus room knew how the Democratic vote would go when the majority leaders moved to add an amendment which would include towns under 5,000 population. The maneuver consigned the bill to certain defeat while ostensibly "passing" it again. Spectators packed in the galleries and visitors who had pressed through the doors of the Senate itself waited tensely for an expected flare-up.

As soon as Senator Longo moved to amend, Senator Barringer rose to request that the lieutenant governor be given the privilege of the floor (by going into committee of the whole as provided for in the Constitution). The request was rejected by the Democrats, since the Democratic majority knew what Lieutenant Governor Jewett would say about their tactics in waylaying the primary. The Democrats preferred these remarks not to have the added prominence that a dramatic last-minute speech by the lieutenant governor would give them.

This matter settled, Senator William Ablondi (R-Seymour) asked to be recognized. "Mr. President," he said, "there are some things about this bill that I would like to look over before we vote on it." In view of the blinding speed with which action had been taken on dozens of other bills this seemed an odd request, and yet it was not one that could be refused. He had no copy of the bill on his desk and therefore went to the rostrum to examine it. An absolute hush fell over the chamber. A Democratic member, anxious to move as many bills as possible in the remaining minutes, asked permission to consider other bills while Senator Ablondi perused the primary bill. Immediately Senator Marsilius, a Republican advocate of primaries, rose to object emphatically: "If one other item of business is considered before we have taken up the primary, I will refuse to grant unanimous consent for the rest of the evening." That stopped all other business while for more than ten minutes Senator Ablondi pored over the primary bill. His appearance is not unlike that of Winston Churchill, including the cherubic countenance. He is a jolly man, with an infectious laugh. But as he sat there leafing through the 40-odd pages of the bill, he perspired and looked as agonized as if he were being burned at the stake.

Why did he do it? And in whose behalf? He did it to make sure the bill would never get to the House in time to be voted on in any form. And presumably, although this cannot be proved, he did it in cooperation with Bill Brennan and John Bailey. Ablondi had often said he did not like primaries. He was in the Brennan wing of the party.

With this delay it was 11:40 when the bill came to a vote. There was no demand for a roll-call vote, but in the voice vote there was one Democratic vote raised against the majority position—that of Senator Stock. I stayed with the party this time. (It probably would have made no difference if I had not. Without my vote in a roll call the presumption is that the bill would have been sent back to the House, by a vote of 20 to 16 at most.)

Newspapers stated that this switch by the chairman of the Committee was the simple consequence of heavy party pressure. To be sure, pressure was applied in ample measure—threats to deny patronage, appeals to party loyalty. But these were not the considerations which led me not to vote with the Republicans to sustain the House bill. Voting against exempting the small towns two days before when the Democratic majority had introduced the provision, I contended, against pleas of partisans of the primary, that I was being consistent in voting against it now. One weekly newspaper commentator said about this "switch":

> The daily papers interpreted his switch as meaning that he had "returned to the fold," that the heat had been put on him and that he had wilted. He vigorously denies this. He says he finally voted against the Republicans because he disagreed with their insistence on exempting the small towns . . . from the operation of the primary law . . . the GOP plan, he says, would leave out about half the members of the Legislature and half of the delegates to the Republi-

can state convention. Not only is this bad in itself, he emphasizes, but it would give an extra advantage to small town GOPers who already have a strength in the House . . . that is far out of proportion to their numbers.

Whatever the motivation, the primary was dead. It was manifestly impossible to get the bill back to the House in time for action before midnight.

SPECIAL SESSION: "A PRIMARY FROM TOP TO BOTTOM"

When the final hour came on June 8 there was no budget for the ensuing two years. In a terse, 30-second parting address, Governor Ribicoff bade the legislators good-bye with the word that they would soon be called back for a special session. It was like saying, "And you will be dipped in oil again tomorrow, my friends." But it did mean that the primary bill could be resuscitated, for, by the ground rules set for the special session, those bills which had been before the houses could be taken up. And manifestly, the Democratic leaders had outfoxed themselves again. For they had said that what they wanted was a *complete* primary—"one from top to bottom." Now they would be presented with precisely such a bill; at least, such was the objective of the Citizens group and some members of the committee.

Just before the special session opened on June 22 for a brisk and efficient three-day session to correct the egregious errors of the regular term, the Elections Committee met to consider the form in which it wished to report out a primary bill. The Democratic contingent firmly demanded that the bill cover all 169 towns and not except the smaller communities. To this the House Republican group turned thumbs down. Their respective town committees would revolt if they backed such a proposal, they said, and there was no real reason for it—in the small communities nominations were made in open caucus where all party members could participate freely. Such a caucus, they contended, was virtually equivalent to a primary. Democrats replied that an open caucus was not infrequently a bossed affair where nominations were rammed through. And in any event, said one of the Democrats, what city Democrats have to put up with under the primary is not too much for rural Republicans.

The House side of the Committee refused to budge. The Democrats felt their bargaining position now so strong that they did not have to compromise; they, too, refused to give ground. The result was a divided committee. The House members reported out a bill omitting the small towns. But, surprisingly, that evening a Republican caucus voted in favor of primaries "from top to bottom." At the caucus some members maintained that nothing less could pass the Senate, and that to present the Senate with almost precisely what it had passed the last night of the regular session was the only tactic that could prevent more futile shuttling back and forth of the bill. The House committee revised the bill and presented the House with a substitute including the smaller towns. This bill came to the floor at about 11:00 A.M. on June 23, the second day of the session. After brief discussion, it passed without a roll call and without significant objection. The bill was hurried to the Senate at once.

Some lawmakers thought the bill did not have a chance in the Senate. Senator Platt Creed offered to bet five dollars that Bailey would oppose the bill in the Democratic caucus. I predicted that Bailey would now support the bill, since any other course would bring full censure on the Senate and on the Democratic party. The bet was accepted just as both sides went into caucus.

Platt lost five dollars; Bailey not only refrained from opposing, he begged for support of the primary. Several senators resisted vehemently: "Why," they asked Bailey, "change your mind now?" "Weren't you opposed to the primary all during the session?" "Don't give in like this," they pleaded. "This primary is murder to the party, and anyhow nobody cares; so it won't hurt the party to turn it down." Bailey, who can be adamant too, patiently explained the box into which the party had gotten itself—as if the group present, all the Democratic senators and Bailey, was not fully aware of it already: "Having accepted the idea of 'top to bottom' primaries the last night of the session, you have no alternative but to vote for it, like it or not." One cannot be sure of what goes on in the minds of others at such a meeting, but to judge by the contrast between remarks at the beginning and those at the end of the caucus, it would appear that Bailey's persuasion converted at least a dozen senators who had opposed the primary bill. If he had proposed a stratagem for sweeping the issue out of sight again, he would have had ample support for his plan.

At about 5:00 P.M. on the same day that the bill had passed the House, it came up for debate once again in the Senate. As the chairman of the Elections Committee, I opened the debate, saying:

> Mr. President, we are all familiar with this bill. We passed it here the last night of the regular session in the form it is in now, with a couple of minor changes of a technical nature only. . . . It is up to us to act on it, now that the House has passed it. I am sure you will accept it now—or at least I hope you will accept it now as a good piece of legislation.

One senator who had been opposed to the idea of primaries from the beginning rose to object. Said Senator Milton Reinhard (D-Bridgeport):

> I don't think there is any great need for a primary. I don't see any great part of our population pressing us for a primary bill. A direct primary will do away with party responsibility. Pretty soon we will be do-

ing away with the party label. We might well end up in multiple-party system and we have seen what a multiple-party system can do—all we have to do is to look at France to know you don't have responsible or good government when you have that system. . . .

Here today is a situation where a small group pressured us into adopting something which is not sound, and I wish, Mr. President, to say that I am violently opposed to this bill. I move that the vote be taken by roll call.

Senator Stock expressed the opinion that this was a "big day for the people of Connecticut." He concluded his remarks by saying that he was delighted that both parties hereby proved that they "do fulfill our campaign pledges." Senator Borden (D-Hartford) rose to say that he agreed with every word Senator Reinhard had said but that he was nevertheless going to vote for the bill. He had promised to vote for a "top to bottom" primary on that last night of the session, and having given his word on it he would now vote for the bill. "I want it strictly understood," he said, "that I don't believe in primary bills . . . but I made that promise right on this floor. I am bound by my word and I am going to vote for it." (Months later he said the law was "lousy" and that he had voted for it "only because it was part of Governor Ribicoff's program.")

When the roll was called only five voices said "nay." All four of New Haven's senators voted against the bill, as did Senator Reinhard. All had opposed primaries in any form, and to the last were unwilling to cast a vote, even a token vote, for the bill. The primary became a law a few days later when Governor Ribicoff signed the bill.

A SECOND SPECIAL SESSION: RECONSIDERATION AND REVISION

In the late summer and autumn of 1955 Connecticut was hit by a devastating hurricane and floods which took 91 lives and did hundreds of millions dollars worth of damage to property. So many public buildings and roads were damaged that it was necessary to call a session of the legislature to appropriate funds for the restoration of ruined facilities and for state agencies that had exhausted their regular funds in dealing with flood damage. The session convened November 9, 1955. It was agreed by the leaders of both parties that the agenda of the session would be limited—it would contain only matters directly pertinent to the flood or necessary to correct legislation passed in the earlier regular and special sessions.

That, of course, permitted reconsideration of the primary, for problems had become apparent as election officials and others studied the law. In part, the cumbersome aspects that needed correction were the simple result of inexperience in drafting such legislation—it was a new form of primary and in some degree it had been shaped to fit the customary procedures of Connecticut's caucus-convention system. Also, the bill was drafted under conditions of active guerrilla combat. There were, in any event, five major points on which clarification was requested:

1. Did the 20 percent of the convention vote required for initiating a primary mean the vote on the *last* ballot or on any ballot during the convention? There is a considerable difference between the two—as anyone who has watched a last-ballot stampede for a winner can testify. If it was to be the last ballot, as the leaders naturally wished, the chances of challenge were measurably reduced.
2. Would it be possible to reduce the number of occasions on which primaries could be held? Could the primaries for various offices that had been separated in the original act be held on the same day?
3. Could the local caucus be re-established in place of the primary for small towns?
4. Could the number of petition signatures required be reduced so as to trim down the onerous demands on a challenger?
5. Would it be wiser to suspend the effective date of the act (scheduled for January 1, 1956) and refer the whole bill to a study commission so that they could report a "good bill" to the 1957 session?

Obviously the criticisms and suggestions listed came from different sources. The first and last particularly came from party regulars who wished either to minimize or else to get rid of the primary; small-town representatives pressed for action on the third; the second was requested by local election officials who were apprehensive about the number of primaries for which they would have to provide complicated arrangements; the fourth was desired by advocates of the primary who felt that the provisions regarding petitions were too onerous.

Three bills containing most of the points listed above, as well as some others, were presented to the Elections Committee. On November 22 the committee held a hearing at which twenty-seven people appeared to testify, including six Republican leaders and a leading Democrat—John Bailey himself. After a rambling discussion of some of the problems involved in revising the bill, Bailey made this closing comment: "I don't think anybody is seriously considering trying to abolish the direct primary act. We have a law now whether you agree with it or not; what we have to do is to get a system with which all of us can live and which the registrars can make operate." "Cappy" Baldwin (Republican State Chairman) got the floor immediately and his first words were: "I would like to say that I am in accord with the statements made by

Mr. Bailey that no one wants to repeal the primary bill. . . ." With the exception of the Democratic town chairman of Waterbury (a city hard hit by the floods), no one opposed the primary, and he said he opposed its being allowed on an agenda that in his view should have been strictly limited to flood matters. Lieutenant Governor Jewett warned nevertheless of dangers that might lie ahead. "I know that in speaking to your committee," he said, "I reveal no secret in saying that there are a great many people who would give their eyeteeth to defeat the primary bill and I would urge that the committee be on its guard."

The committee discussed the various proposals at some length but finally reached joint agreement on December 6. Briefly, the changes were these: it was made specific that 20 percent on *any* ballot was adequate basis for a primary; the number of occasions on which primaries could be held in a year was reduced considerably; the local caucus was reinstated in a limited fashion—the caucus was left as an optional means of *endorsing* party-favored candidates (the alternative being the party town committee), and if there were objection, challengers could file petitions to call a primary; the number of petition signatures was reduced; and the possibility of putting the bill on ice while a study commission thought about a "good bill" for another year or two was not even seriously considered. On December 12 this bill passed the House without appreciable difficulties and, having had joint committee approval, went straight to the Senate calendar and came up for action on December 15.

FINAL SENATE ACTION

The Democratic caucus on December 14 considered the revised bill at great length. Both Senator Stock and I answered detailed questions about the workings of the bill. There were particularly strenuous objections to the "any ballot" instead of the "last ballot" provision. In an earlier meeting in the office of the Secretary of State, attended by the chairmen of the two parties, the two committee chairmen, and the Secretary of State, whose office would have to administer the law, Bailey and Baldwin had urged that the "last ballot" rule be put in the bill. Bailey took the lack of a definite refusal to constitute an implied promise to do so. When he heard that "any ballot" had been inserted, he blew up: Why in hell hadn't he been told about this plan to change what had been "agreed upon"? Had he been told, he would have sent the absent committee members to the meeting to insist on the last ballot rule no matter what the House side wanted. Bailey was told that the committee chairman did not feel it his responsibility to report in periodically, nor did he need the help of usually absentee members to decide what *he* wanted the bill to say. This did not improve Bailey's temper. "Maybe I haven't got any right to know what's going on around here," he spluttered, "maybe it's none of my business what goes on in committees. I don't know; I'm just an errand boy around here."

Both Stock and I were told we were sore disappointments as senators. To this we responded that the leadership had behaved irresponsibly on the bill from the beginning, that if the leaders had been willing to discuss primaries in some meaningful sense, the need for outmaneuvering them would not have been so great. In explanation of my own position, I expressed my considerable doubts about the effect of party primaries on the party organizations. From observations of politics in some of the most thoroughgoing party primary states, it seemed that the party organizations had been shattered with many undesirable consequences. In my campaign I expressed support only for a limited form of a primary and not one calculated to wreck the party system. The present bill would not, I contended, wreck the party; it was the least the party could do to redeem the pledge made in its 1954 platform. It had become a matter of conscience to take no step leading the sabotage of primaries. From the other end of the caucus table came the rasping voice of Senator Patrick Ward (Hartford): "What you need, boy, is a more flexible conscience."

Opponents then tried to prove why the primary would do irreparable damage to the Democratic party. It was contended that the Republican party would be less disturbed because it is "95 percent Yankee Protestant" (which it isn't, of course); the Democratic party, however, would be rent asunder because it is composed of a congeries of potentially conflicting nationality groups. The more open disputes for nomination, the fewer elections the party would be able to win, it was agreed. A primary would turn over the party to the Irish, said one Irishman among the senators. "And," he went on, "the Irish wouldn't have nominated a Jew for governor [referring to Abe Ribicoff], and you," pointing to one of the proprimary senators, "probably couldn't have been nominated for the Senate as a Protestant."

Paul Amenta, senator from New Britain, undertook to explain why primaries had not hurt the party in his town, which had had primaries under local party rules for a number of years. New Haven's senators vehemently objected to this reasoning, which immediately led to reminders of New Haven's failure to turn in a large majority for the party in the 1954 election. This produced shouted arguments so noisy and unpleasant that some senators began to leave. At this point Senator Longo restored peace and quiet with his customary aplomb and patience. The question then was raised as to whether the caucus would stand together to support an amendment to insert "last ballot" in the troublesome section. Stock was asked if he would accept the vote of the majority of the caucus as binding, and he immediately said, "No." Bailey then urged that no amendment be offered.

"Why, John?" a chorus of senatorial voices asked.

"Too much publicity has been given to it," he explained. "If we try to get that changed now, we'll be accused of all kinds of things."

"It doesn't matter to me personally," he said repeatedly, "but we're on the spot and there's nothing we can do about it."

Nothing was done about it. The bill passed without a roll call vote. Not a single objecting voice was raised.

SOME INFERENCES AND CONCLUSIONS

Obviously the motives that drove the supporters of the primary were infinitely varied. In the minds of some it was a means of providing a political tool for anticipated use in factional disputes. To others it was a means of possible self-promotion. To still others it was an ideal worth seeking in its own right—it was the right thing to do, the progressive, democratic way of choosing candidates. If it furthered the chances of popular participation and curbed the power of the party leaders (or, in the invective of debate, the "bosses") then did it not follow that it was *ipso facto* democratic?

The latter reasoning was accepted in its fullest sense by only very few of the participants. Yet most proponents fell back on these ideas from time to time, even though at other times reflecting some of the disillusionment of those who now doubted that the primary could "turn government over to the people" and assure "better candidates." There is evidence that the primary has affected American government in many ways, but it has not turned government over to the people, and there is no convincing evidence that it has materially affected the quality of candidates who come forth to run for office. It might even be argued that in many cases it has made for worse candidates. Yet the primary is a means of chastising a bossed organization, and it is very difficult to turn out a dominant organization without a primary through which to make a popular appeal for reform.

The latter rationale for primaries became the common ground of argument among legislators working for the primary. The contention was that they were not seeking to abolish the party, nor to eliminate its roles in policy making or in selecting and backing candidates. Rather, the argument went, what was needed was a means of curbing the party leadership—of letting the leaders know that their decisions must be made with the threat of organized revolt present, not suppressed.

Arguments between supporters and opponents of the primary law often failed to meet; they frequently appeared to be holding separate conversations. Neither side wholly understood the other, often because neither wanted to understand. The leadership and its stalwarts predicted the outright destruction of the parties; they anticipated a vast number of primaries, costly in money and destructive of party harmony. Democratic leaders worried about the possibility that wealthy Republicans might finance Democratic challengers for the sake of dividing the opposition. The promoters overrated the salutary results of a primary. What have been the results of the primary in operation?

THE PRIMARY IN PRACTICE

Neither the optimistic hopes of the promoters nor the frenzied fears of their antagonists have materialized. Interestingly, the primary was not used in the one set of circumstances that many of its framers contemplated for it. The liberal wing of the Republican party that had pressed for the primary lost control of the 1958 party convention with the result that Fred Zeller, a hand-in-hand ally of Bill Brennan, was nominated for governor. But the liberals made no effort to call a primary in behalf of John Alsop, Zeller's opponent in the convention. Nor was the Democratic party ruined by the primary. Indeed the party had probably never been stronger than in 1959. In 1958 the Democratic party won the governorship by an unparalleled margin, as well as control of *both* houses of the General Assembly, something last accomplished 82 years before.

It is true, as Bailey predicted, that there have been more Democratic than Republican primaries, 51 compared to 34 by the end of 1958. No primary for a state-wide office has ever been called, and there have been only two contests for offices covering as much as a county—one for a Democratic nomination for Congress (First District covering Hartford County) and another for the New Haven County sheriff nomination (again a Democratic contest). Nor have these contests often resulted in throwing over the organization. Out of 34 primaries for which the results are clear,* in only 6 instances did the nonendorsed candidates (or a majority of them where the contests were held for town committees or delegates to conventions) oust the endorsed ones.

Obviously party leadership has not been wrecked. There could have been at least 1600 nominating contests if there had been challenges at every conceivable point; only 85 primaries have been held. Perhaps the primary is doing what at least some of its advocates had in mind—it stands as a shotgun behind the door, to be used only when the leaders need to be reminded of their responsibility to the public.

THE BOWLES-DODD AFFAIR

Candidates favored by the liberal Democrats who sought the primary law were the first to suffer materially from its existence. Bailey and others had empha-

* The results filed with the Secretary of State are sometimes incomplete or unintelligible and therefore one cannot calculate for all primaries.

sized that a primary would tend to strengthen the hand of the popular candidate and of the man from the "right" ethnic group. In the past, Bailey contended, the party had been able to nominate men like Ribicoff regardless of their ethnic backgrounds. Politicians in a convention can be "persuaded" to accept such candidates, he said, but masses of Democratic voters may not be so easily convinced that they ought to renounce "their own."

When these warnings were uttered they were taken as cries of "Wolf!" and ignored by the liberals. But in 1958 when a liberal, Chester Bowles, sought to win the nomination for United States Senator from Tom Dodd, several advocates of the primary stopped to reflect about what they had done to Bowles' chances by promoting the primary. (One accusation, quite without foundation, thrown at Bill Gordon during the primary fight was that he was promoting a primary on behalf of Bowles.) For it is probable that one of the most decisive factors in Bowles' defeat was the fear of a primary. Bowles, a Yankee-Protestant and a liberal, could bring liberal-labor support to the ticket. More importantly, he got along well with John Bailey and other party leaders, as he had proved when he was governor and, repeatedly, afterwards. Dodd, on the other hand, is a Catholic, hardly a liberal, and certainly not much of an organization man. He demonstrated his independence when he sent the letters supporting the primary while Bailey and Ribicoff were fighting it, all fangs flashing. In 1956 he had publicly blamed his defeat in the United States Senate race on the inadequacies of the state organization. On organizational grounds, there appeared good reason for Bailey and Governor Ribicoff to favor Bowles.

As the 1958 convention opened, Bowles and Dodd had about equal support among the delegates, and both Ribicoff and Bailey had announced hands-off policy. But party regulars just could not believe that Bailey was neutral. Nothing of the sort had ever happened before, and delegates to the convention kept waiting for John to give the "word." One delegate told a candidate's man who was sounding out the vote, "Look, we're with the organization. I am a young man and I want to stay in politics. I said from the beginning we ought to stay with the boss—and Bailey is boss. We'll go with him." Bailey had only to hint at his choice and a majority could have been lined up with ease. Dodd made it perfectly clear that if he failed to win the nomination he *would* run a primary. Bowles, likewise, threatened to run. A primary on a state-wide level was what Bailey feared like an appearance of Old Scratch himself. An all-out fight in the party, particularly one that pitted Catholics against the liberals and the organization, would be a nightmare for Bailey. All the conferences of party moguls prior to the convention had a keynote expression: "Vote against a primary." That meant, "Dump your man when any man gets a majority so that no challenger will have the necessary 20 percent of the convention."

As opening day of the convention drew near, Bailey's chief assistant, Katherine Quinn, announced that she was going to support Dodd. It was denied that this was a tip-off; it was said that this was Miss Quinn's own choice and that as a leader of the delegation from West Hartford (Dodd's home town) she had no choice but to be for him. But Katherine has the reputation of doing nothing of which John does not approve. Having read the signs, the boys lined up for Dodd.

In short, the liberals suddenly desired pressure from the leadership, but the leader, fearing a disruptive primary, refused to do what many firmly feel he might have done had he not feared a primary.

DISCIPLINE, RESPONSIBILITY, AND PARTY POWER

Is this a case study in party responsibility or party irresponsibility? Both, of course. Although committed to a primary law by their platforms, both parties in the legislature—significant elements of the party leadership—sought desperately to defeat the bill while appearing to support it. And yet the bill finally became law with votes Bailey inveigled out of unwilling Democratic senators.

Patently, only one thing forced Bailey to accept the disagreeable alternative of supporting the bill: he was apprehensive about the next election day. This strongest of sanctions in a democracy—the fear of the ballot—forced responsibility on the party. Individual legislators frequently escape responsibility for their actions in the legislature. After all, most voters hardly know the names of their state legislators much less their legislative voting records. Accordingly, individual senators and representatives considered it no risk to their political careers to vote against the primary. In the final analysis, however, those responsible for the party's collective reputation were unwilling to have it appear that it had openly defaulted on its promise. Discipline in both parties served equally the cause of responsibility and irresponsibility. Yet without party power there can be no discipline, and without discipline responsibility is hard to achieve.

A CHRONOLOGY OF EVENTS CONNECTED WITH THE PRIMARY LAW

June, 1953 — The legislature ducks the question of the primary by sending the matter to the Legislative Council for its consideration.

July, 1954 — Republican and Democratic platforms endorse a primary law.

November, 1954 — Election day produces a Democratic governor, a Democratic Senate, and a Republican House of Representatives.

January, 1955 — Six bills proposing primaries are introduced.

The Joint Committee on Elections organizes and sets date for a hearing on the primary.

March 10, 1955 — Hearing is held on the primary bills.

March 24, 1955 — Executive session of the Elections Committee, debating the relative merits of direct and indirect primaries.

April, 1955 — The Citizens for a Direct Primary forms and sets strategy for the session.

May 16, 1955 — Subcommittee reports back to the Election Committee with two primary bills, one for state-wide primaries, one for local primaries.

May 21, 1955 — A Republican caucus approves state-wide primaries.

May 27, 1955 — State-wide primary bill is reported to the House.

June 1, 1955 — State-wide primary bill passes the House of Representatives.

June 6, 1955 — The Senate substitutes a new bill, providing for local primaries only.

June 7, 1955 — A new bill combining both state and local primaries is hammered out and submitted to the House.

June 8, 1955 — (2:00 P.M.) House passes combined bill.

(11:15 P.M.) Senate debates and again amends the bill, sending it back to the House at 11:45 P.M.

At midnight the session ends. And so does the primary; lacking House action on the Senate amendment, the bill dies.

June 22, 1955 — Special session of General Assembly called to do chores the regular session failed to complete.

June 23, 1955 — Both House and Senate pass identical bill; Connecticut gets primary law.

December, 1955 — Clarifications of primary law adopted by House and Senate.

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